



California Fair Political Practices Commission

July 10, 1989

Lance H. Olson
Olson, Connelly, Hagel and Fong
300 Capitol Mall, Suite 350
Sacramento, CA 95814

Re: Your Request for Advice
Our File No. A-89-363

Dear Mr. Olson:

This letter confirms the telephone advice I provided to you on June 15, 1989 concerning the effect of contribution limitations in the Political Reform Act (the "Act")¹ on a ballot measure committee controlled by Attorney General John Van de Kamp.

Your letter dated June 16, 1989 accurately summarizes my advice that Attorney General Van de Kamp may establish and control a ballot measure committee and obtain contributions to the committee which exceed the contribution limitations in Sections 85301, 85302, 85303 and 85305. (See Leidigh Advice Letter, No. A-89-170, copy enclosed.) Thus, for purposes of the contribution limitations, contributions to a ballot measure committee controlled by Attorney General Van de Kamp would not be considered contributions to support or oppose his candidacy. The fact that contributions to support the ballot measure also may indirectly benefit Attorney General Van de Kamp's candidacy does not change our advice. Although not specifically mentioned in your letter, I also stated that this advice would not change if the specifics of the proposed ballot measure were only being developed and no proposed ballot measure were yet in existence.

In addition, your letter accurately states my advice that the name of the controlled ballot measure committee must include or be accompanied by Attorney General Van de Kamp's name. (Section 84106.)

¹ Government Code Sections 81000-91015. All statutory references are to the Government Code unless otherwise indicated. Commission regulations appear at 2 California Code of Regulations Section 18000, et seq. All references to regulations are to Title 2, Division 6 of the California Code of Regulations.

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If you have any questions concerning this letter, please
contact me at (916) 322-5901.

Sincerely,

Kathryn E. Donovan
Kathryn E. Donovan
General Counsel

Enclosure

Law Offices of
OLSON, CONNELLY, HAGEL & FONG

June 16, 1989

441 1110 1989

Ms. Kathryn Donovan, Counsel
Legal Division
FAIR POLITICAL PRACTICES COMMISSION
428 J Street, Suite 800
Sacramento, California 95814

**RE: Confirmation of Telephone Advice
Requested on Behalf of Attorney General
John Van de Kamp - 6/15/89**

Dear Ms. Donovan:

Pursuant to our telephone conversation of June 15, 1989, this letter is being sent to confirm telephone advice which you provided to me on that date. This advice was requested on behalf of Attorney General John Van de Kamp.

FACTS

The facts which I provided to you are as follows:

John Van de Kamp is Attorney General for the State of California. He was re-elected to that office in November 1986. Since January 1, 1989, he has filed a FPPC Form 501 stating his intent to seek the office of Governor in 1990.

LANCE H. OLSON
BRUCE J. HAGEL
LEROY Y. FONG
ROBERT E. LEIDIGH

Attorney General Van de Kamp also wishes to establish a committee to support qualification and/or passage of a "state measure". This ballot measure committee would be controlled by him. The ballot measure would likely appear on the ballot in one of the two statewide elections in 1990.

QUESTIONS

OF COUNSEL
LLOYD G. CONNELLY, Member
California State Legislature

I posed to you the following questions on behalf of Attorney General Van de Kamp:

1. May Attorney General Van de Kamp establish and control a ballot measure committee of the type described and obtain contributions thereto?

2. If so, are the contributions received and expenditures made by the ballot measure committee in any way subject to the limitations on contributions under the Political Reform Act?

June 16, 1989

Page Two

3. If Attorney General Van de Kamp establishes and controls such a ballot measure committee, must his name appear in the name of the committee?

ADVICE

You advised me as follows:

1. Attorney General Van de Kamp may establish and control a ballot measure committee and obtain contributions to the committee.

2. Contributions to a ballot measure committee, even one controlled by a candidate who may appear on the same ballot, are not subject to the contribution limitations of the Political Reform Act. Such contributions do not in any way count as contributions to the controlling candidate, since they are not contributed to support that candidate's candidacy. Hence, those contributions and their expenditures in support of the measure are not subject to the limitations which apply to contributions to the candidate's candidate committee(s) under the Political Reform Act.

3. If Attorney General Van de Kamp establishes and controls a ballot measure committee, Government Code Section 84106 requires:

The name of any committee shall include or be accompanied by the name of any individual, entity of other person by which the committee is controlled...

Consequently, if Attorney General Van de Kamp establishes a ballot measure committee which he controls, he must comply with the provisions of the section.

I would appreciate receiving a written confirmation of this advice. Thank you for your cooperation and prompt assistance.

Very truly yours,

OLSON, CONNELLY, HAGEL & FONG


LANCE H. OLSON

LHO:kh

cc: Attorney General John Van de Kamp

Law Offices of
OLSON, CONNELLY, HAGEL & FONG

Jul 15 11:58 AM '89

June 16, 1989

Ms. Kathryn Donovan, Counsel
Legal Division
FAIR POLITICAL PRACTICES COMMISSION
428 J Street, Suite 800
Sacramento, California 95814

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Attorney General Van de Kamp also wishes to establish a committee to support qualification and/or passage of a "state measure". This ballot measure committee would be controlled by him. The ballot measure would likely appear on the ballot in one of the two statewide elections in 1990.

QUESTIONS

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OF COUNSEL
LLOYD G. CONNELLY, Member
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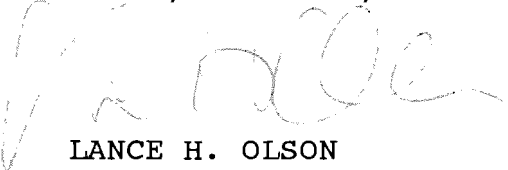
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Very truly yours,

OLSON, CONNELLY, HAGEL & FONG



LANCE H. OLSON

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cc: Attorney General John Van de Kamp



California Fair Political Practices Commission

June 20, 1989

Lance Olson
Olson, Connelly, Hagel & Fong
300 Capitol Mall, Suite 350
Sacramento, CA 95814

Re: Letter No. 89-363

Dear Mr. Olson:

We received your letter requesting confirmation of advice under the Political Reform Act on June 16, 1989. If you have any questions, you may contact me directly at (916) 322-5901.

If the letter is appropriate for confirmation without further analysis, we will attempt to expedite our response. A confirming response will be released after it has gone through our approval process. If the letter is not appropriate for this treatment, the staff person assigned to prepare the response will contact you shortly to advise you. In such cases, the normal analysis, review and approval process will be followed.

You should be aware that your letter and our response are public records which may be disclosed to any interested person upon receipt of a proper request for disclosure.

Sincerely,

A handwritten signature in cursive script, appearing to read "Kathryn E. Donovan".

Kathryn E. Donovan
General Counsel

KED:plh:confadv1